

QUID NOVI

McGill University, Faculty of Law
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HAPPY
HOLIDAYS!



JOYEUSES
FÊTES!

QUID NOVI

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EDITORIAL

by **Andrea Gorys (Law III)**
Co-Editor-in-Chief

Well the snow is on the ground, December is fast approaching along with exams (please try not to stress about those) and we've finally have come to the final Quid Novi for 2007! It's been quite a ride with several debates sparked within these pages. I am ecstatic to say that we've had increased submissions over the semester with many issues being at least 20 pages. Thank you so much! The Quid Novi runs on what you have to say and we are eager to publish your opinions, your cartoons, your poems, your funny stories, etc.

I just want to wish you all a great end of term, good luck on exams and happy holidays. I know in the midst of all chaos with the semester's end it's not always easy to see the light at the end of the tunnel. But it's there, I promise, and you will be able to relax and enjoy yourself. So whatever your plans for the holiday season, I wish you happiness. See you all in the New Year!



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LA CHANCE ET LA RESPONSABILITÉ

by Julien Morissette (LAW IV)

Vous souvenez-vous de ce que vous faisiez au printemps de 1999? Peut-être des grandes lignes, probablement pas des détails. Après presque neuf ans, comme tout le monde, j'ai oublié tous les détails. Sauf un. C'est à ce printemps-là – au moins – que remontent les choix et événements qui ont fait que j'écris ces lignes aujourd'hui.

J'aurais pu faire comme certains de mes collègues et aller directement en droit. La section de droit civil de l'Université d'Ottawa m'avait ouvert ses portes. À l'époque, je n'avais même pas eu l'idée de faire une demande à McGill. Les circonstances (rien de malheureux, je vous rassure) ont fait que mes études de droit n'ont pas commencé en 1999. À la place, j'ai entamé un cycle d'études en science politique et en économie.

Cinq ans plus tard, me voilà à l'Université de Toronto. J'étais heureux d'avoir intégré le programme de maîtrise en économie, mais j'ai rapidement conclu que je ne voulais pas faire de doctorat. L'autre option évidente, le cubicule de 9 à 5, ne m'attirait pas non plus. L'idée de faire des études de droit, qui n'avait jamais vraiment disparu, est revenue en force. Mais où faire une demande?

Les quelques juristes que j'ai consultés étaient unanimes : McGill. Mes recherches pointaient dans le même sens. J'ai envoyé ma demande et après quelques semaines, j'ai reçu une réponse positive. Honnêtement, je n'avais aucune idée de ce qui m'attendait.

C'est seulement plus tard que j'ai compris que j'avais gagné la loterie. Les longues heures passées à écrire mon personal statement ont clairement aidé, mais la chance a aussi joué pour beaucoup. Je crois que nous sommes tous et toutes dans la même situation. Tant de petites choses auraient pu faire la différence...

Me voilà nostalgique avant l'heure. Il est clair que trois ans et demi à la Faculté m'ont transformé, mais je ne crois pas pouvoir dire précisément comment – le recul manque. Aucun besoin de recul, en revanche, pour constater que la période de ma vie qui a commencé en septembre 2004 a vraiment été exceptionnelle. J'ai eu la chance de vous rencontrer tous et toutes, ou presque. J'ai eu la chance d'avoir d'excellents professeurs – croyez moi, j'en suis à ma quatrième université. J'ai eu la chance d'être dans un environnement où la stimulation intellectuelle n'est pas l'exception et l'ouverture d'esprit est plus qu'un idéal. Et j'ai maintenant la chance

de comprendre pourquoi j'ai souvent entendu : « Si les choses étaient à refaire, j'irais à McGill. »

J'ai parlé plus haut de loterie. Mais il y a une grosse différence entre le document que l'on reçoit après trois ou quatre ans à McGill et celui qui permet de collecter des millions après un tirage quelconque. Le premier est plus enrichissant, c'est vrai. Mais il y a plus.

Dans un monde où des centaines de millions de jeunes gens n'ont jamais appris à lire, nous avons eu le luxe de passer des années entières à réfléchir. Dans un monde où des milliers d'enfants meurent de faim tous les jours, nous avons été engraisés comme des oies à coup de canapés et petits fours. Dans un monde où la moitié des humains n'ont jamais utilisé de téléphone, nous avons disposé de deux ordinateurs par personne. Dans un monde où plus de la moitié des gens vivent avec moins de deux dollars par jour, nous trouvons des emplois nous permettant de gagner la même chose deux cent fois par jour. Dans un monde marqué par la guerre, la famine, la maladie, l'intolérance et l'oppression, nous vivons confortablement et en paix.

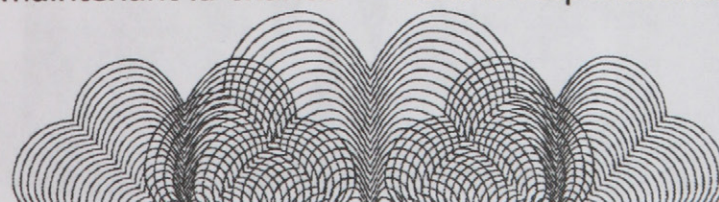
Peut-on vraiment penser que nous ne sommes pas chanceux? Avec la chance vient la responsabilité de

travailler pour un monde meilleur. Il n'y a rien de mal à profiter de cette chance, c'est d'ailleurs ce que nous avons tous et toutes fait. Mais il y a plus. D'abord, le devoir de poser des gestes, petits et grands, ici et ailleurs, pour faire une différence positive. Et surtout le devoir de ne jamais oublier que la chance doit se mériter.

S'il y a une justice, la vie du chanceux doit être une vie de travail. S'asseoir sur ses lauriers est aussi facile qu'inacceptable. Nous avons eu une chance unique. Ne la gaspillons pas, répandons-la! Le repos nous attend dans une autre vie, s'il y en a une. D'ici là, il y a trop de choses à changer, trop d'idées à pousser, trop de torts à redresser.

Une vie chanceuse et bien remplie ne peut être qu'heureuse. Je vous lance un défi : dormez une heure de moins et passez une heure de plus à faire quelque chose de positif pour les autres, au coin de la rue ou à l'autre bout du monde. S'il y a une chose que j'ai appris en 21 années de scolarité, c'est que l'insomnie vaut mieux que l'inaction.

Ce fut un plaisir de vous connaître. Bon vent et bon travail! ■



Working for AMERA: My Cairo Summer

by Maha Hussain (LAW II)

I was almost killed on my first night in Cairo. This may seem like a significant event to you – but have you ever crossed Tahrir Square? The chaotic heart of Cairo's chaotic downtown? Where all the city's traffic arteries seem to converge in a nightmare of roundabouts, twisting lanes, blind turns, and multiple carriageways, all negotiated at a truly homicidal speed? Where the drivers appear to be cursing, praying, singing, quarrelling, eating, thumping the steering wheel for emphasis as they exclaim to their passengers – doing everything, it seems, except notice you and your humble desire to cross the street? Until you have, my friend, you'll just have to believe me when I say that I narrowly escaped death that evening. Not once, but several times. And you'll also have to believe me when I say I risked my life several times a day for the next three months. Which means you're probably wondering, "How?" And even more probably, "For God's sake, why?"

The first question is easy (the technique I eventually perfected: ignore your heaving stomach, make steely eye contact with the oncoming driver, and walk like

you own the road). The answer to the second: I braved Tahrir Square every day because I was blessed with a fabulous summer internship, one that took me to fabulous Cairo for three fabulous months. Along with three other McGill women, I was a Volunteer Legal Adviser at AMERA (Africa and Middle East Refugee Assistance) – an under-resourced NGO par excellence, and the most meaningful job I've ever had.

In a nutshell, AMERA provided free legal services to refugees and asylum seekers in Cairo. The overwhelming majority of our clients had fled other African and Middle Eastern states, including Iraq, Sudan, Ethiopia, Eritrea, and Somalia – but that list is not exhaustive. Our work was primarily directed at "first instance" clients – those who sought official recognition of their refugee status by UNHCR. Without this UNHCR recognition, our clients had no legal status in Egypt, and were essentially at the mercy of the state security apparatus. In order to get this UNHCR recognition (usually through the issuance of a UNHCR blue card), applicants had to submit a written testimony and appear for an interview

at the UNHCR office. On the basis of the testimony and interview, UNHCR staff then determined whether the individual (or family, for those so blessed) fell within the legal definition of "refugee."

Almost all my time at AMERA was spent working on first instance testimonies. This was not as straightforward as it sounds. I'll give you an example. I'm given the name of a client by one of our two heroic receptionists (both refugees). Say her name is Mekdes, and she's from Eritrea. Since I can't speak Tigrinya or Amharic, I grab one of our equally heroic interpreters (all refugees) to call Mekdes and confirm her appointment. The woman who answers the phone tells me that Mekdes isn't there right now, and she can't say for certain if Mekdes still lives there, because she shares the flat with four other asylum seekers who work different jobs on different days and come and go at different times, and she has no idea who is where when. No, she has no idea whether or not Mekdes has a cell phone. She hangs up. My interpreter hangs up. We look at each other.

Another interpreter waiting for the phone has overheard the entire conversation. She says she worked with Mekdes's friend Miriam during an interview yesterday, and maybe Miriam will know where Mekdes is. We track down Miriam's phone number. She gives us Mekdes's

cell phone number. Eventually, and after much travail, the appointment is confirmed for next week.

On the day of the appointment, Mekdes is an hour late. When I call her cell phone to ask whether she's still coming, she apologizes profusely and explains that a mini-bus has overturned in the road ahead, and she's now stuck in an epic traffic jam. She has no idea how long it will take to clear. Today is the only day this week Mekdes can come to the office, because she works as a cleaner for a wealthy Egyptian family; we both know she had to plead for the time off, and she's not likely to get it twice. So I shrug, reshuffle my schedule, and wait for her to arrive.

When Mekdes finally gets to the office, I tell our interpreter she's there, and the three of us start to talk. Mekdes tells me about her family, about what her life was like in Eritrea, about why she left. Maybe she couldn't bear the repeated sexual assaults during her compulsory military service. Maybe she's a Pentecostal Christian, and she and her family have suffered ongoing harassment and detention by the state. Maybe she was forced to spend months locked in a metal shipping container, freezing at night and roasting during the day, stuffed with dozens of other people – a method of torment regularly employed by the Eritrean government,



according to Amnesty International and many, many others. Maybe it's all of these things. But eliciting all of this information will take hours of patient questioning over several meetings. And each meeting may be as logistically fraught as the first one. And during each one, Mekdes will be torn between her desire to record her testimony, and her humiliation at having to share such appalling things with a total stranger. And though I'm disgusted with myself every time I do it, I will coax her into giving me as much detail as she possibly

can – detail about every single sexual assault, every single beating by the police, and every single day she spent in that shipping container. Because the more detail she can provide to UNHCR, the more likely they are to believe her.

I heard lots of brutal stories while working at AMERA, and I'll confess to you, they only deepened my cynicism about how awful we all are. But I'll also confess something else: the periods of cynicism and despair were punctuated by moments of what I can only describe as

grace – grace of a heart-breaking kind, but grace nonetheless. The exquisite and unfailing courtesy of my clients, for example. Given the harrowing events they'd endured, it seemed miraculous to me that they were so considerate toward others – miraculous, and in a way, unspeakable. How terrible life is, I would think. And how courageous these people are, and how little most of them will ever have to show for it. Or the quiet and unassuming piety of the young military conscript who used to pray in our lobby, carefully spreading a

square of cardboard on the floor and telling his recitations against his fingers. Or the city's multitude of stray cats, and the decency of the shopkeepers and housewives and children who fed them each day. Or the piercing beauty of Qasr-el-Nil Bridge, crowded with lovers every evening, gazing at the Nile while pretending not to touch. All of which to say, I would work for AMERA again without question. It was one of the best things I've ever done. And those of you who are interested, apply apply apply. ■

The Wine Appreciation Club: Three Years Old and More to Come

by Julien Morissette (Law IV), MLWAC Co-President

Il a suffit d'une idée. Arrivé à l'automne 2004, Rohan Gulrajani amenait avec lui à la Faculté une expérience de dégustateur hors pair acquise à Cambridge. Il a rapidement décidé de créer un club de dégustation de vin, couleur locale. Il a été rejoint par Anthony Casullo, à l'époque étudiant à la maîtrise, moi-même et plusieurs autres.

The first tasting took place in March 2005. Apart from Rohan and Anthony, most new members had little knowledge of wine and had never taken part in a blind tasting (in which the identity of the wines is only revealed at the end). Fast

forward almost three years. The founders are gone and most original members are about to graduate. But the club remains very active!

Cette session, le club a organisé trois dégustations. Des étudiants de toutes les années, ainsi que leurs invités, ont goûté des vins blancs et rouges venant du monde entier, le tout pour un prix modique. En plus, chaque dégustation est une occasion de faire du réseautage et de rencontrer de nouveaux amis !

In case you're wondering what to pick up at the SAQ, the following wines tasted by club members have re-

ceived the Gulrajani-Casullo Prize for Best Value:

Wynns Coonawarra Estate Chardonnay 2003, South Australia, SAQ code: 00857565, price: \$17.85 (white)

Chapelle de Maillac Lirac 2005, Côtes-du-Rhône, France, SAQ code: 10779812, price: \$20.55 (red)

Pastiche Joseph Phelps 2004, Napa & Sonoma Valleys, California, SAQ code: 00880468, price: \$20.35 (white)

There will be one more event this semester: the

MLWAC Christmas Party. It will most likely take place on the evening of December 19th. Details will be announced through the e-mail list and on Notice Board. Stay tuned! Next semester, tastings will be back!

Toute personne voulant se joindre à notre liste de diffusion peut nous écrire à l'adresse suivante : vino.mcgill@gmail.com

The McGill Law Wine Appreciation Club would like to thank the Law Students' Association for its financial support and its members for their many contributions, past and present. ■



Farewell From Your Self-Appointed "Poet Lawreate"

by Francie Gow (LAW IV)

Madness is only an amplification of what you already are." – Margaret Atwood

Right from the start, we were warned that a legal education would change us. I'd like to take a moment, in the final Quid of my final semester, to reflect on that assertion.

Here are some snippets from classrooms and Coffeehouses in my first year: "We are teaching you to think like lawyers." "Get used to the idea of making people's eyes glaze over at cocktail parties." "Lawyers learn a secret code and then use it to keep people out and charge high fees for access." "I know this guy who dumped his girlfriend of seven years after spending some time in law school, because he had grown increasingly irritated by the lack of coherence in her arguments." "It's getting really hard to talk about school with my family and friends from back home!" "Can you feel it happening yet?"

So have I changed? I have two answers to that question. One involves my grades and the other my professional identity. I will deal with them separately.

1. Grades and Self-Worth

I have certainly changed from an A student to a "mostly B and sometimes A and occasionally C" student. This prompted a bit of an

existential crisis after first year, when I realized that I had been using my grades as my primary generator of self-esteem since the age of five. Parents and teachers seemed to think that my grades made me special, and it suited my purposes to believe them.

So how to respond when my grades dropped despite my working harder than I ever had in my life? So programmed was I that my self-esteem necessarily dropped right along with them. Clearly I wasn't special anymore. To believe anything else would have made me a hypocrite, right? I cried painful tears that summer.

By the time I got back to school, I realized that most of my peers had been going through the same thing. Ironically, I ended up emphasizing my worst grades, sometimes making my average seem even lower than it was, in an effort to make them feel better. But that just made them want to make me feel better, and round and round we went. We all kept pretty quiet about the A's we did get, except to our parents, of course.

As time went on, I started to get the hang of learning law, and I started to build experience in certain areas that interested me. I even started to have original things to say about them, which struck me as nothing

short of miraculous given the fog that had been my first year. If this was what was meant by "the change," I could hardly object. It occasionally resulted in A's (thank goodness for copyright law!), but not always, even in other subjects that truly engaged me.

I also started to get regular feedback that seemed to contradict my lower grades. My all-time favourite comment was on a Public International Law assignment: "Original and sophisticated argument. Very good work. B+" You know who you are, Professor... Another professor gave me a B+ on a paper and then recommended that I try to get it published. Huh? When I finally booked a dreaded appointment with Professor Healy (as he then was) about my C in Crim, I expected him to unmask me for the fraud I was. Instead, he told me that my grade was an accurate reflection of my exam performance (I had frozen), but that it was clear from my interventions in class and even from my partial answers on the exam that I had fully grasped the material and that he hoped I would consider taking his Criminal Evidence course the following year.

In short, professors and students alike kept right on treating me like a smart, worthy person, and I finally learned to believe them again. So while I have changed from an A student

to a B student, I do not seem to have changed from a smart person to a stupid person after all. I have changed into a person who seeks and finds self-esteem from more varied sources. This is a good thing, considering that in the not-so-distant-future the world is finally going to stop stamping my every formal utterance with a letter.

2. Professional Identity

I already had a professional identity when I came into the law program: I was a translator. I didn't plan to become a lawyer; I just hoped to leave here a more specialized translator. I have accomplished the latter to my satisfaction. But have I changed in other ways? Am I becoming a lawyer despite myself? Maybe a little bit. And I kind of like it.

After second year, I had an enlightening conversation with my new hairdresser, who asked me what it was that I did in life to look so radiant and enthusiastic (he got a big tip for that). He was surprised when I told him I was a law student. He asked whether I thought law school was making me a better person. I thought about it for a minute while he snipped, finally answering that I was the same person I always had been, but that a legal education was a highly empowering tool. How I chose to use it was still up to me. If I was already the kind of person who needed to control and exploit other people, legal training would make that a lot easier. If I was already the kind of person who wanted to help people, legal training would make that a lot easier too. As Atwood

said about madness, it just amplifies what you already are. I hope I am the helping kind and not the controlling kind, but I will only find out for sure from the choices I eventually make. My hairdresser then told me that I had just completely changed his image of the legal profession. I hope I have managed to do the same for my parents over three years; they had trouble hiding their doubts when I first applied to "shark school"!

During my translation education and early career, I often told people that what I loved most about translating was that I could play with words all day without actually having to produce any content. I loathed writing! Between the French major, the English minor, and the MA Translation, I got lots of practice, and I was even proud of the results most of the time. But the process was always pure torture. If I needed a

gun to my head, clearly I wasn't a real writer.

For Skit Nite 2005, a group of exchange students offered to write a parody of "I Will Survive." The band dutifully learned the music. Unfortunately, the challenge of producing rhymes in their second language proved to be too much for the would-be writers: two days before the show they admitted to the coordinators that they could not deliver. Since it was already in the program, I was asked to do in 24 hours what they had not been able to do in a month. To my surprise, I delivered a semi-respectable product, just under the wire, and had fun doing it. The following year it occurred to me that it would be funny to write a song about transsystemia to the tune of Gilbert and Sullivan's "I am the Very Model of a Modern Major General." I was no poet, but the idea was too good to ignore, so I worked on it off and on for a few weeks. This time,

when it finally came together, I knew I had something good. The Skit Nite 2006 audience seemed to think so too.

A semi-random conversation about the University of Limerick in Ireland led me to discover that I had a knack for composing limericks. It soon became my favourite way to take my mind off of my heavy course load during my walks to and from the faculty. I went to Singapore on exchange for a semester and learned that many of my friends and family members looked forward to my weekly letters home. I discovered that I enjoyed not only the product, but even the process of crafting them, so much so that I kept right on sending out occasional travelogues for several months after returning to Canada. Now, in fourth year, I even get some enjoyment from writing academic papers in my chosen field of specialization. I finally have things to say that

are important to me.

So it turns out that my legal education was really another kind of education in disguise. The jury is still out as to whether law school has turned me into a lawyer, but I do consider myself a writer now as well as a translator. Not because I necessarily plan to make a living at it, but simply because I write regularly without anybody telling me to. This program inadvertently gave me the three ingredients I needed for the transformation to happen: content, an audience, and the discipline to get up (or sit down) and do the things that matter to me, despite the fact that there is always something else that I could or should be doing. What an unexpected and enriching gift. Thank you all for being part of this journey. I wish you similar happy discoveries about yourselves, law-related or otherwise. ■

Lawmericks

by Francie Gow, Law IV

XI

I yearn for an earlier day
When we were all carefree and gay
Can't you remember
That time in September
When deadlines seemed so far away?

XII

We've been told that law students should
chill
Have some fun and not work ourselves ill
Well I took that advice
To make virtue of vice
And now my final grades are God's will

Teleological History and Wishful Thinking

by Léonid Sirota (LAW III)

Following Messrs Herman, Levesque, Bouchard and Mason, I would like to add another two cents on the issue of teleological history, for the subject well deserves its steadily growing fortune. Although I read their articles with great interest, I cannot quite agree with any one of them. The four authors approach the subject with the best of intentions; it is then perhaps unsurprising that their takes on teleological history are influenced by what seems to me to be wishful thinking. Messrs Bouchard and Mason's argument in favour of objective history that does not leave out inconvenient historical truth is certainly attractive. I believe, however, that such a history, if it exists at all, simply could not be taught in schools. And yet I am afraid that the teaching of "universal" teleological history suggested by Messrs Herman and Levesque is (almost) as distant a dream as that of an objective history.

First, I am afraid that, no matter how desirable in theory, teaching of "objective" history is impossible in practice, especially within a school curriculum. Just as in any other field of knowledge, objectivity is undoubtedly an ideal in history. George Orwell's warning that "[h]e who controls the past controls the future" is sufficient to understand why. If our past is indeed "controlled," then our future

is manipulated as well. Surely, then, we should not be subverting our future by leaving out unpleasant historical facts, or even reinterpreting them, in the way we teach history? If only that were possible... Unfortunately it is not. The first and most obvious reason for this is that in some, probably many, perhaps most cases, the objective historical truth is impossible to ascertain. To take but one relatively recent and very important event in Canadian history, the "kitchen accord"/"night of long knives", there exist two dramatically different and irreconcilable versions of the events, with the result that nobody seems to know what really happened. Even the basic facts about those fateful hours are, and appear forever destined to be, in dispute. And it is practically impossible to present but bare facts when describing historical events – least of all in a high school classroom. If only because language is never quite neutral, a history teacher, and the students listening to him, inevitably engage in interpretation, an exercise where objectivity is, I fear, quite unattainable.

A second, perhaps more subtle reason, which makes objective teaching of history in school impossible is that, even if it were possible to set the factual record straight, it is simply too long to be taught in full. Although I believe that not

enough history is being taught now in Quebec's schools, it would not be possible to teach "the whole story" even in many more hours than are available for any one subject on a school's curriculum. Even when teaching a comparatively short history, such as that of Canada, one must leave out some facts, deemed less important than others. Yet deciding which facts are less important, unless it is done at random, is also an exercise in interpretation, bound to result in a subjective version of history. And the further beyond the Canadian borders one wants to go, the more choosy one is forced to become, the more subjective the account of history one gives.

If schools will always have to teach subjective history, then why not the universalist teleological history suggested by Messrs Levesque and Herman? Even without crude purging of all incidences of intolerance, conflict and other unpleasantness, we could opt for a history that consistently chooses benign or optimistic interpretations of events when two conflicting accounts thereof exist. It is true that state-sanctioned optimism (a hallmark of communist regimes) sounds worrisome and state-mandated open-mindedness, outright absurd. Yet if the history our schools teach is bound to be subjective, then the alternative, state-sanctioned parochialism and

tunnel vision, is arguably worse.

Unfortunately, I do not believe that a genuinely open-minded and humanist teleological history is going to be taught in Quebec, or perhaps anywhere in Canada, anytime soon. Quebec, and arguably all of Canada, suffers from a severe case of what Milan Kundera, in his article on "Die Weltliteratur" published in the January 8th New Yorker, called "the provincialism of small nations." According to Kundera, the provincialism of small nations prevents them from seeing their great authors and artists as participants in the world culture; being insecure, and therefore jealous and possessive, the small nations want them for themselves and only for themselves, sometimes branding them traitors when they embrace the world culture instead of the national one. Large nations, in contrast, are at the opposite extreme. They treat their own literature and culture as if they were the whole world's.

I believe Kundera's sad observations can be applied to political as well as cultural figures. The Americans' way of seeing their past leaders, described by Messrs. Levesque and Herman is typical of the large nations' tendency to project themselves on the world, and Quebecers' attitude, for example, towards Pierre Trudeau, whom many nationalists consider to be a traitor, a "vendu", and refuse to even consider as a Quebecer, is a striking example of the small nations' possessiveness towards their own members and re-

fusal to accept that they may, to borrow Lord Atkin's words, "sail on larger ventures and into foreign waters."

Because Quebec suffers from the "provincialism of small nations," I suspect that the chances of its embracing a universalist version of its history, stepping into a world context instead of a narrowly national one, are slim. Worse, Canada as a whole arguably also suffers from this ailment. One

might hope that as a country of medium size and, more importantly, as a bilingual and multicultural society which had no choice but to forsake at least some measure of traditional narrow-minded nationalism to ensure its very survival, would escape from the twin clutches of the provincialism of small nations and the self-aggrandizement of large ones. Unfortunately, Messrs Levesque and Herman's own article suggests that this is not so. I am afraid

that their suggestion that Quebec's history be taught with a focus on those who upheld "the grander ideals of rights and freedoms in a federal context" [my emphasis] rather than in a truly universalist global one also reflects the provincialism of a small nation, which is hardly less deplorable on the scale of Canada than on the scale of Quebec.

Because of this, I am not very confident that a benign version of teleological his-

tory could be taught in Quebec, and probably elsewhere in Canada, in the near future. However, if the adage "quand on se compare, on se console" is true, then we can take some consolation from the fact that teaching history is hard, perhaps impossible, to get right anywhere, not just in Canada. And the difficulty of a problem should not prevent us from at least trying to solve it. ■

Giving and Graduating: Symbols Matter

by David Sandomierski (Law IV and Class Action Fund Co-Chair)

When I finished my first degree, our graduating class pooled together and bought a bookshelf on whose headboard we commissioned a carving. We also each recommended our favourite book, and bought that too. These went on the shelf, which still stands in our programme's common area and library, the hub of student activity.

The gift was an apt metonym for our liberal education: the books themselves reflected a diversity

not only of fields of knowledge, but of modes of expression: fiction, art, popular science, philosophy, children's stories, etc. It was also intensely personal. It looked both backwards at where we came from (many of us chose our favourite book from childhood), and forwards in time to who we were becoming.

Although our law graduation class will be several times larger than my undergrad class, I still think it is possible to come up with a

legacy gift that matters to us. Our gift has the possibility of capturing one small part of our legal education and giving it symbolic importance. What is more, we have the unique opportunity to give voice and form to our chosen symbol through a collective act of generosity.

The first act of generosity can come in the form of ideas. At the Dean's reception last Monday, I spoke to just a few people and already heard some exciting

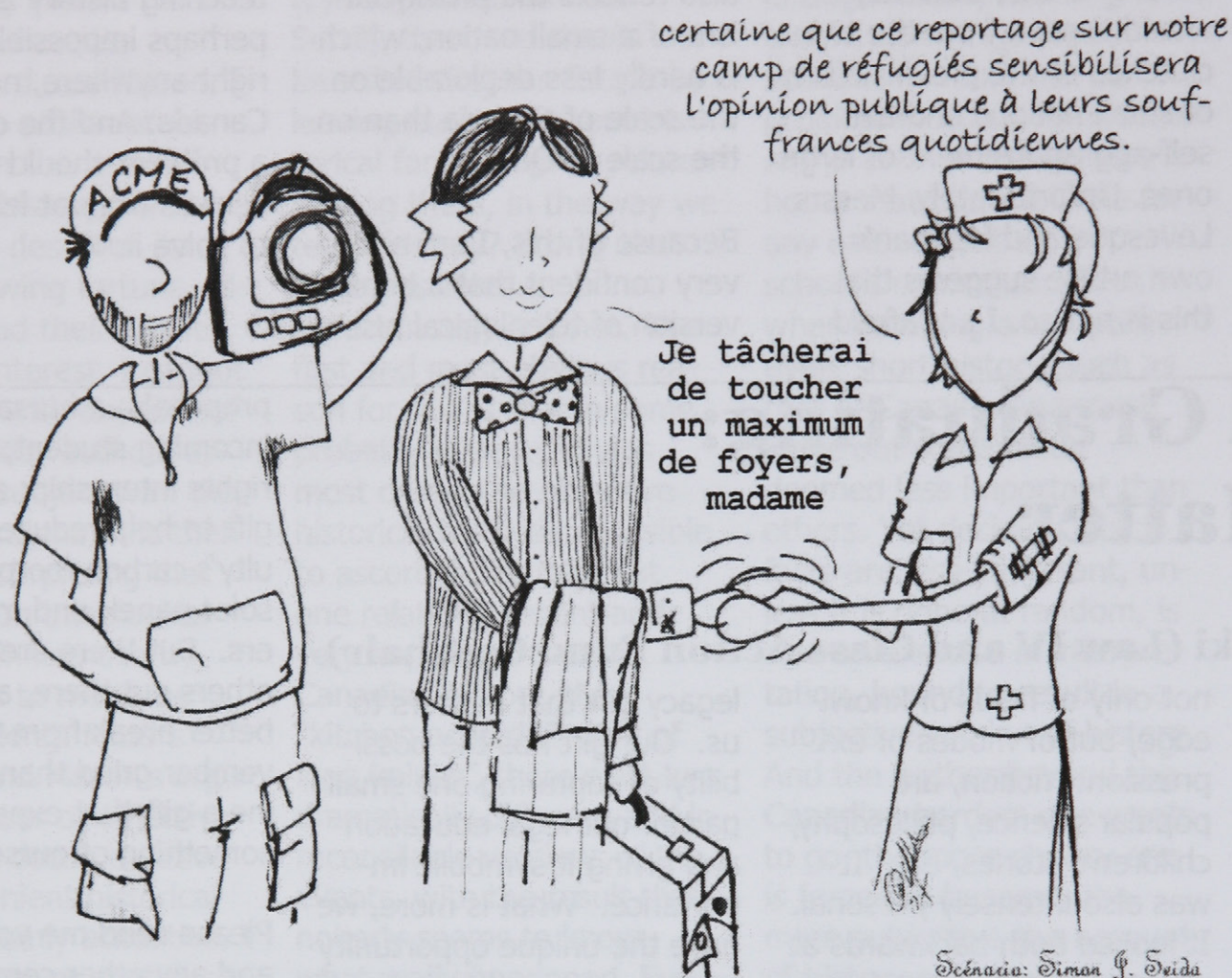
proposals: a bursary for an incoming student; a human rights internship; a physical gift to help reduce the faculty's carbon footprint, like a solar panel; and many others. But there are certainly others out there, and what better break from the November grind than to imagine a gift that expresses something of ourselves?

Please send me your ideas, and any other comments about the Class Action Fund Drive, at david.sandomierski@mail.mcgill.ca. I'm excited for us to find something that recognizes our experience at the faculty, and to work with you all to bring it to life. ■



LES AVENTURES DU CAPITAINE CORPORATE AMERICA

by Laurence Bich-Carrière (LAW IV)



Mmm, boss, vous ne leur avez pas dit que ce qu'on filmait c'était un *reality show*?

Ils r'apprécieront peut-être pas l'attaque de mercenaires prévue pour la semaine prochaine...

Bah, tout va s'arranger quand un chanceux va se mériter une superbe piscine hors-terre.

Au pire, on ajoutera un abonnement d'un an à *Décormag* pour tout le monde.

Faut pas être chiche, quoi!



LES AVENTURES DU JEUNE CAPITAINE CORPORATE AMERICA

by Laurence Bich-Carrière (LAW IV)

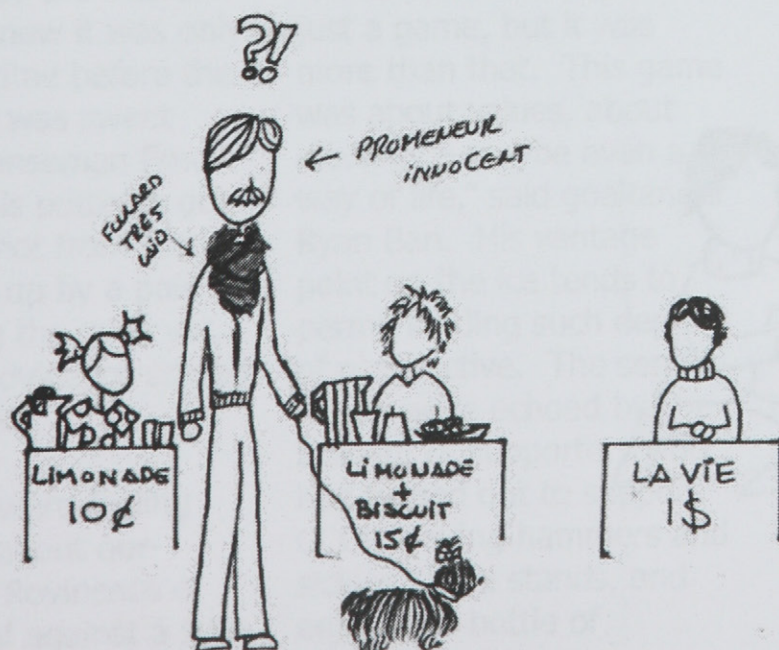
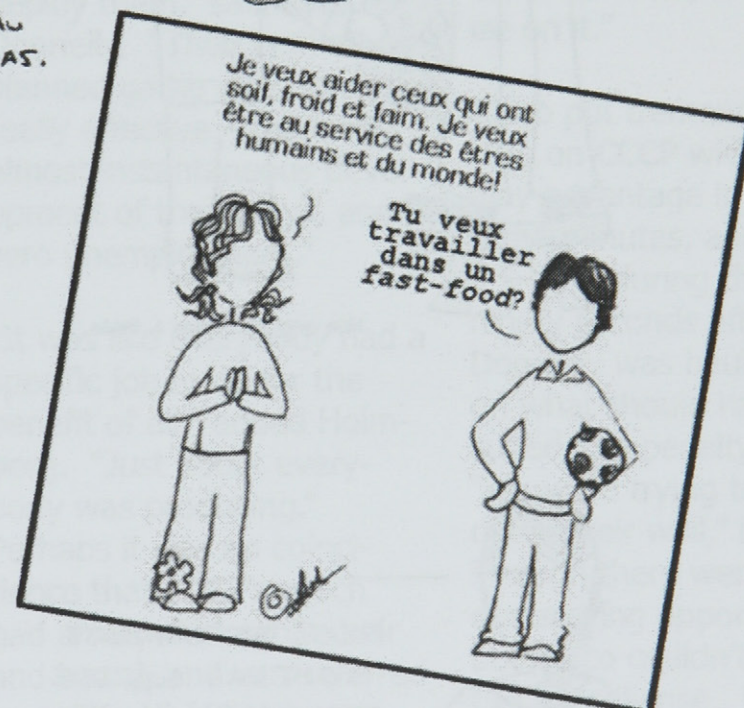
Les aventures du jeune capitaine Corporate America

par Laurence Bich-Carrière (U4)



«Pretium juventus»

EN CONCLUSION DE CET ORAL
DÍSONS SIMPLEMENT QUE
C'EST LA FÉE DES DENTS
QUI M'A APPRIS QUE JE
POUVAIS VENDRE MON CORPS
CENTRE DE
L'ARGENT.

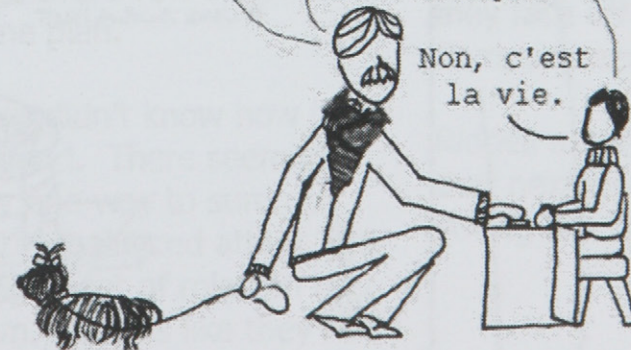


Tu piques ma curiosité mon
garçon. Voici un dollar. À
quoi ai-je droit en échange?

À rien.

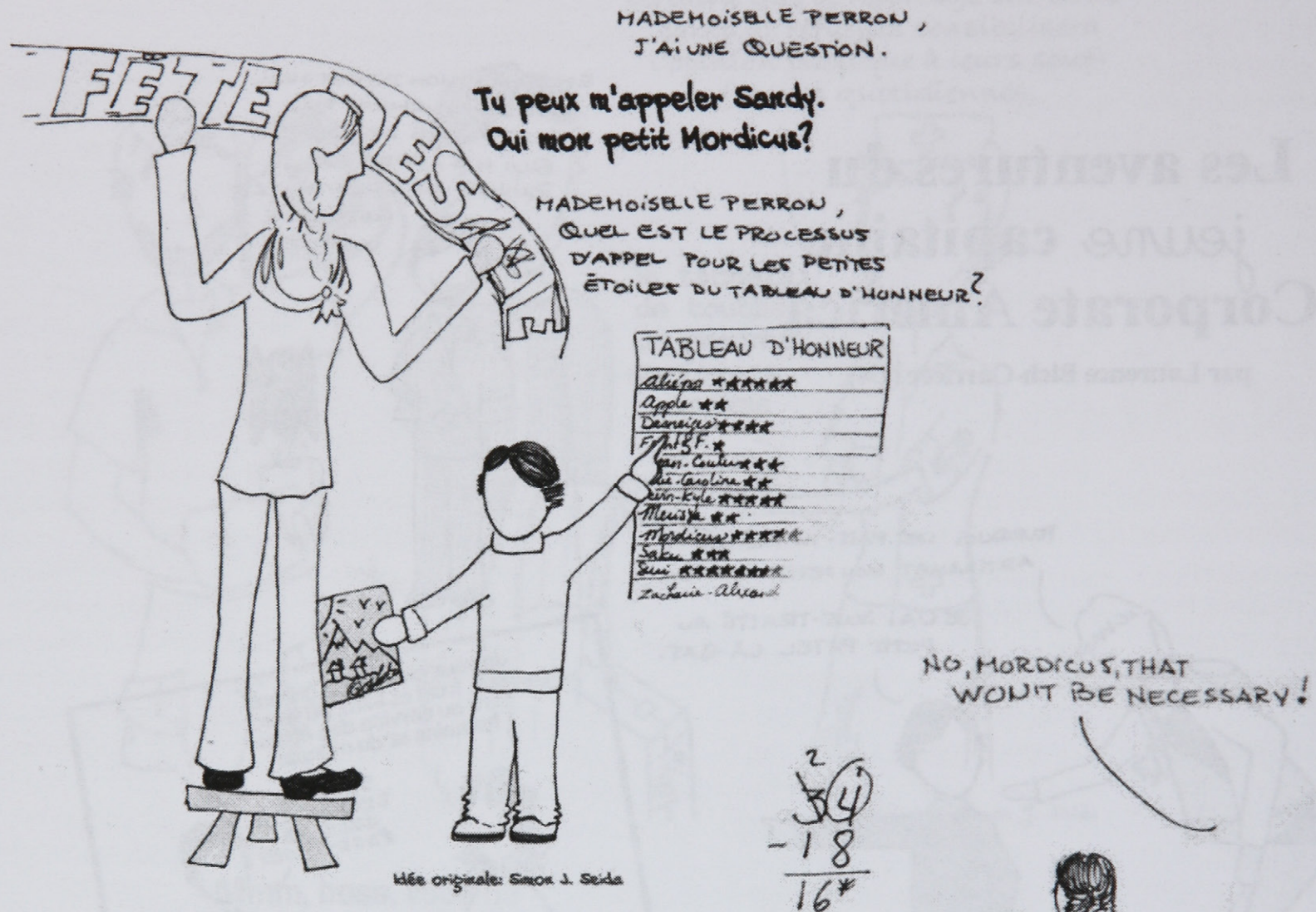
Rien? C'est
de l'arnaque!

Non, c'est
la vie.



LES AVENTURES DU JEUNE CAPITAINE CORPORATE AMERICA (SUITE)

by Laurence Bich-Carrière (LAW IV)



NO, MORDICUS, THAT
WOULDN'T BE NECESSARY!

$$\begin{array}{r} 2 \\ 34 \\ - 18 \\ \hline 16 \end{array}$$

* Disclaim

«Addition salée»



Chico Resch Ties in Ideological Battle

by Ryan Kishenblatt (Grad Law II)

MCCONNELL ARENA (CP) – It had been a week of team reflection, after suffering a beating at the hands of the Cleveland Steamers that was so bad it wasn't written about. With barely enough time to lick their wounds, Chico Resch faced off against CCCP – a game in Montreal which hadn't had this much hype since the Summit Series of 1972. The teams skated to a 4-4 tie, putting Chico at 3-2-1 for the season.

"We knew this wasn't going to be diplomatic," said Peter Riddell. "It was a game pitting our way against their way." There was pre-game concern because of allegations of blood doping, spying by CCCP on the Chico locker room, and the sudden vanishing of Matthew Hendy. Alex Mireault calmed the group, informing them that it was only a term paper injury causing his absence.

Chico took to the ice strongly, scoring first. Jani Holmborg was the marksman. "We knew it was only a matter of time before the Sundae Line was sweet again." Defenseman Freddie Desmarais potted a goal off a point shot from Riddell to put Chico up by a pair. Not silencing the guns yet, rookie Lee Rovinescu scored to make it 3-0.

"I admit we were feeling pretty good about ourselves," said Rovinescu of the third goal against a sub-

.500 team, causing the Chico bench to break out in chants of "Nyet, Nyet, Soviet!"

But CCCP would not suddenly implode and leave various parts of itself in complete disarray and anarchy. Down 3-1, with only eleven seconds to go in the half, a power-play goal made it 3-2.

"We weren't sure what the consequences of the first goal would be," said Bruce Carlini, "but there was an unexpressed feeling that this could lead to a revolution."

Chico had felt that being up three goals was a statement that their laissez-faire approach to the game was superior. They felt that promoting individual playing decisions and the freedom to express their opinions about strategy on the bench would maximize their on-ice productivity, that law and economics would outweigh collectivism.

"Sure, you could say it was just a game, but it was more than that. This game was about values, about ideology – maybe even a way of life," said goaltender Ryan Ban. His vantage point on the ice tends to permit lending such depth of perspective. The sentiments were echoed by the amount of supporters who had turned out to support CCCP, waving hammers and sickles in the stands, and enjoying a bottle of

Smirnoff. When they were asked whose bottle it was, one fan declared, "it is owned by everyone!"

At the start of the second half, Chico was determined to re-assert themselves as a power to be reckoned with. "There was going to be no agreement between us and them – neither team was going to put down its arms," said Riddell.

However it was CCCP that came out firing. "It was like they had their rockets pointed right at us, ready to deploy them," said Kyle Donnelly. "Their centrally-planned game strategy was really effective – there was almost instantaneous development of their plays, and zero unemployment."

"It was like everybody had a specific job to do for the benefit of all," added Holmborg. "Just about everybody was producing." Perhaps it was no coincidence that CCCP's coach had a very thick white hair and beard, and was referred to as "Karl." Whatever manifesto he had for his team, it worked. With the time at 19:17, CCCP went ahead 4-3. It was a complete overthrow of Chico's game plan.

Chico didn't know how to respond. There seemed only one way to sum up CCCP's balanced attack and assignment of roles on the team. "It was like they had a team motto of 'from each according to his ability, to

each according to his need,'" said Nick Knoppers. "But we knew that we could come back, since we couldn't buy into their game plan – their approach to things has been discredited all over the world."

And come back Chico did. With about seven minutes left, a turnover in the Chico zone led to a 3-on-2 breakout. Ryan Kirshenblatt slid a backhand pass to a streaking Freddie Desmarais just past the red line. Desmarais deftly deflected the puck past the CCCP defense pair to create a breakaway, and finished beautifully with a backhand to the top shelf to tie the game 4-4. On creating his own scoring opportunity, Desmarais commented, "I just wanted to capitalism – er, uh, capitalize on it."

Chico put tremendous pressure on CCCP with a power play advantage in the final three minutes, and then had a 5-on-3 during the final ninety seconds after Kyle Donnelly was hauled down on what should have resulted in a penalty shot. "We were trying to tear down their wall," he said. Though there were numerous scoring opportunities, but Chico couldn't force CCCP's collapse. But they came away with a point, which was more than they had earned in the past two games. Hopefully more points will be in store as they face off against G's Company next week.

Riddell assured Chico Nation that next week, "we'll be strong like bull."■

How Talmudic Law Saves the Scammers but Scolds the Scrooges

by Judit Illes (Law I)

How it is that our attachment to possessions can sometimes trump our attachments to people? If you're a shameless materialist, then this might be of particular interest. The answer to the above question has nothing to do with Freud (Thank you! For once!), but much to do with Talmudic law. In recent weeks, Rabbi Weiss from the McGill Chabad came in for the JLSA teach-ins and gave students the scoop on the concept of ownership in Talmudic law.

First, to ensure we're all on the same page, let's define the Talmud. According to Wikipedia (and yes, I will proceed to quote it with my head held high), "The Talmud is the written record of an oral tradition. It became the basis for many rabbinic legal codes and customs." It is in fact, the very stuff used in Jewish mediation and arbitration, which in turn are highly respected and deferred to by American courts.

Getting back to our original question about property, the Talmud says that ownership is something very much inherent within a person. Often, we falsely assume that the concept emerged in conjunction with the development of a complex human society. But curiously enough, the Talmud established Adam as an owner before the rest of us arrived

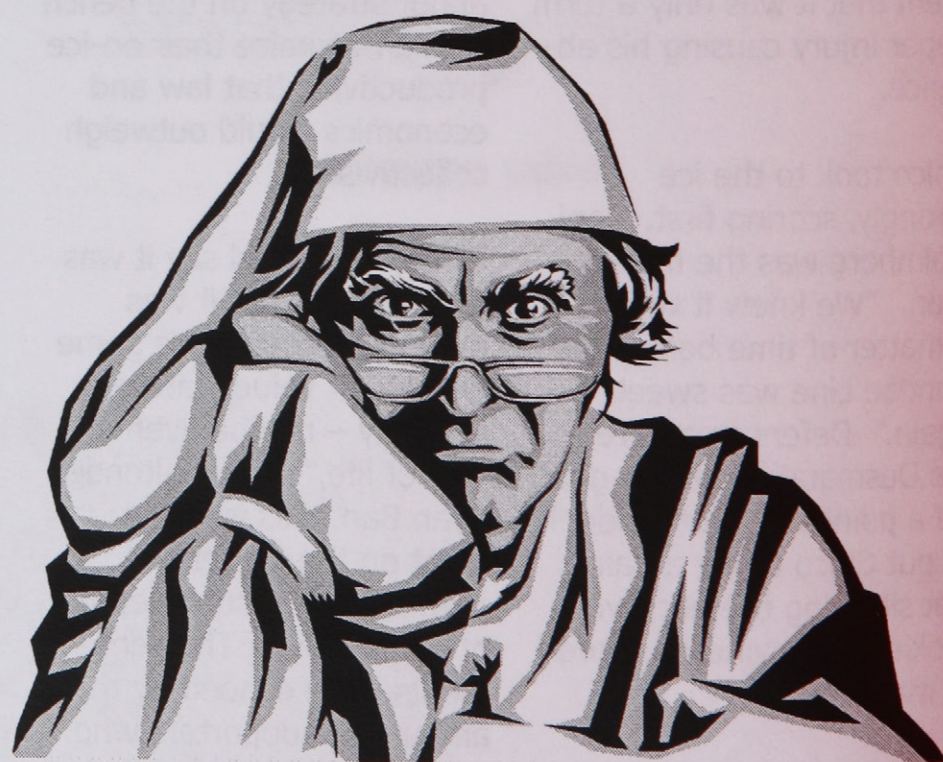
to squabble over the fruit. While saying "this is mine, not yours" doesn't seem to have much utility when you are the only guy on earth, it does underscore the fundamental nature of ownership.

To go one step further, the Talmud says that the number of worldly possessions we will own in a lifetime is predetermined. This is referred to as *bashert*, or something that is "meant to be" (but most often used by tissue-laden Jewish mothers at their child's wedding). Because of *bashert*, it is accepted that the wealthy have a mission to assist and uplift the less fortunate through the use of their worldly possessions. Consequently, righteous people should like their worldly possessions more than their spiritual possessions. (Slap to the puritans!)

It is equally interesting to note the extent of the protection that Talmudic law provides to individuals. Let's take the Rabbi's scenario: a man wants to sell his deceased father's house. He tells an interested buyer that he will sell it to him if he finds someone to evaluate the cost of the land. The buyer proceeds to make a deal with a shady surveyor, who agrees to underestimate the value in return for X dollars. However, when the sale goes through, the buyer refuses to pay the scammer. What does Talmu-

dic law say about this illegal contract?..Enforce it! Regardless of the illegal nature of the deal, it is nevertheless a solid agreement between two individuals and should be upheld. Contract and ownership are matters of fact, and in Talmudic law, fact overrides concepts such as good faith.

What does all this boil down to? Well firstly, that all you materialists out there are well justified – as long as you choose to share the goodies. And secondly, that religious law can sometimes be more pragmatic (and less kosher) than what people would have you believe.



A Conference Presented by the China International
Economic Trade and Arbitration Commission (CIETAC)
Hosted by the Faculty of Law and the Institute of
Comparative Law, McGill University

Une Conférence présentée par La Commission chinoise
d'arbitrage de l'économie et du commerce
internationale (CIETAC) Organisée par la Faculté de
droit et l'Institut de droit comparé de l'Université
McGill

Programme:

- CIETAC Arbitration Practice by Mr. Yu Jianlong, Vice
Chairman and Secretary General of CIETAC
- Key Issues about Chinese Arbitration Law by Mr. Fei
Ning, Managing Partner, Haiwen & Partners (Shanghai)
- Foreign Investment in China by Mr. Yang Xiao Chuan,
founding partner, The Law Offices of Jiahe (Beijing)
- A cocktail will follow the conference/ Une réception
suivra la conférence

Date: December 12, 2007

Time: 17:00-19:00

McGill University Faculty of Law,
Old Chancellor Day Hall, 3644 Peel St.

RSVP before December 6, 2007

eric.pollanen@mail.mcgill.ca

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very hard